



April 23, 2021

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L St. NE
Washington, DC 20554

Re: *Proposed Transfer of Tracfone Wireless, Inc. to Verizon Communications, Inc.* GN
Docket No. 21-112

Dear Ms. Dortch:

On April 21, 2021, Harold Feld, Greg Guice, Micheline Deeik, of Public Knowledge (PK) met with Charles Matthias (WTB), Jessica Quinley (WTB), Garnet Hanly (WTB), Monica DeLong (WTB), Stacy Ferraro (WTB), Kate Matraves (OEA), Don Stockdale (OEA), Pat DeGraba (OEA), Glenn Woroch (OEA), Aleks Yankelevich (OEA), Nick Copeland (OEA), and Joel Rabinovitz (OGC), with regard to the above captioned proceeding.

PK reviewed the conditions recommended in the comments of PK, *et al.* filed December 18, 2020.¹ Specifically:

- A commitment to participate in the Lifeline program for a minimum of 5 years.
- A commitment to keep customers, particularly Lifeline customers, on non-Verizon networks if that is the only way to ensure adequate quality of service for Lifeline and pre-paid customers.
- A commitment to make 5G networks and equipment available to Lifeline and pre-paid customers on the same basis as made available to Verizon's post-paid customers.²
- A commitment to freeze existing Tracfone rates, at the same terms and conditions as they currently exist, for a minimum of 5 years following the transaction and two years for new prepaid customers.
- A commitment to maintain the existing packages available to Lifeline customers for a minimum of 5 years.³

¹ Comments of Public Knowledge, Open Technology Institute, The California Center for Rural Policy, Next Century Cities, Access Humboldt, Tribal Digital Village, and the Benton Institute for Broadband and Society, IB File No. ITC-T/C-20200930-00173 (December 18, 2020).

² See *id.* ¶¶ 166-67, 173-77.

³ See *id.* ¶¶ 169-70.

- A commitment to continue to market to Lifeline and pre-paid customers, including non-English speaking customers, at the same level as Tracfone does today.
- A commitment by Verizon to assume liability for any forfeitures or restitution that may be imposed by the Commission on TracFone, unless such liability has been resolved by TracFone prior to the closing of the transaction.⁴
- Whatever other conditions the record demonstrates are necessary to protect Lifeline and other low-income pre-paid subscribers.

PK stressed that these recommendations predated the Commission request for additional information. If, after review of the parties submissions in response to the RFI, the record demonstrates a need for additional conditions, either to protect competition or to protect Lifeline and low-income customers, PK will not hesitate to bring these to the attention of the Commission. Any subsequent recommendations based on the new information would not constitute “moving the goal posts.”

PK also observed that in rebuttal testimony before the California Public Utility Commission (CPUC) in the CPUC’s review of the transaction, Verizon Communications has agreed to certain concession in California based on the recommendations of The Utility Reform Network (TURN).⁵ A copy of the public testimony is attached.

⁴ See *Applications of T-Mobile US, Inc., and Sprint Corporation For Consent To Transfer Control of Licenses and Authorizations*, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd. 10578, ¶ 46 (Oct. 16, 2019) (“T-Mobile-Sprint Merger Order”).

⁵ Rebuttal Testimony of Verizon Communications, Inc. *In the Matter of the Joint Application of Tracfone Wireless, Inc. (U4321C) America Movil, S.A.B. de C.V. and Verizon Communications Inc., For Approval of Transfer of Control of Tracfone Wireless*, Application 20-11-001 (filed April 9, 2021) at 1-2.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

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